

## REMARKS

1. In response to the Office Action mailed August 21, 2007, Applicants respectfully requests reconsideration. Claims 1-7, 10-14, and 16-24 were previously presented in the application. In the outstanding Office Action, claims 1-7, 10-14, 16-22 and 26 were rejected under 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph; and claims 1, 19 and 24 were rejected under 35 U.S.C. Section 102(b) as being anticipated by US Patent No. 6,710,621 (Devlin et al.). By the foregoing Amendments, claims 1-7, 11, 14, 16, 18, 19 and 21-24 have been amended, claims 10, 16 and 21 have been canceled and claims 28-30 have been added. Thus, upon entry of this paper, claims 1-7, 11-14, 17-20, 22-24, 26 and 28-30 will be pending in this application. Based on the above Amendments and following Remarks, Applicant respectfully requests that all outstanding objections and rejections be reconsidered, and that they be withdrawn

### *Claim Rejections*

2. Claims 1-7, 10-14, 16-22 and 26 were rejected under 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph. Reconsideration is respectfully requested.

3. Claims 10, 16 and 21 have been canceled and claims 1-7, 11-14, 17-20, 22 and 26 have been amended to overcome the outstanding Section 112, 2<sup>nd</sup> paragraph rejection. by way of the present amendment. The amendments were made to provide proper antecedent basis and to particularly point out and distinctly claim the subject matter of the invention. The amendments find support in the original claims, specification and figures and thus, raise no questions of new matter. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections to the claims under 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph.

4. Independent claims 1 and 19 and dependent 24 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Devlin et al. Reconsideration is respectfully requested.

5. It is noted that no prior art rejection has been alleged in the current Office Action regarding the remaining claims in the application. Applicants assumes that these claims would be allowable if amended to overcome the above-discussed 112 rejections and, where

applicable, the anticipation rejection over Devlin et al. It is respectfully requested that the next Office Action clarify the status of these claims status with respect to Devlin et al.

6. Independent claims 1, 14, 19 and 23 were amended to clarify the invention. In particular, each of the claims was amended to include the limitation of:

an Inter-Integrated (I<sup>2</sup>C) based bus for providing communication between said BMC and said digital voltage adjuster.

Support for the amendment is provided by the original claims, specification and figures. Therefore, it is respectfully submitted that the amendments raise no question of new matter.

7. Devlin et al. generally discloses a programmable power supply for field programmable gate array modules.<sup>1</sup> In particular, in **FIG. 7** below Devlin et al.

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<sup>1</sup> Devlin et al. at ABSTRACT.

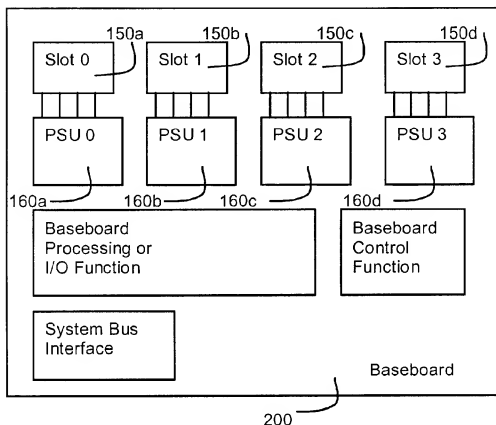


Figure 7

discloses a motherboard 200 that includes multiple daughterboard slots 150a, 150b, 150c, and 150d, and their associated power supplies 160a, 160b, 160c, and 160d. Each power supply 160a, 160b, 160c, and 160d includes a power controller 80, programmable power supplies 30a-30d and programmable reference voltage circuitry 70a, 70b, as shown in FIG. 5. Further, Devlin et al. discloses that Baseboard 200 will normally also includes circuitry not directly related to the power supplies such as baseboard processing and I/O functions, control functions and a system bus interface to the system bus (e.g., PCI or VME bus) and that a series or string of bits may be passed from the daughterboard slots 160a-160d to the power controller 80.

8. However, Devlin et al. nowhere discloses as independent claims 1, 14, 19 and 23 recite:

an Inter-Integrated (I<sup>2</sup>C) based bus for providing communication between said BMC and said digital voltage adjuster.

That is, Devlin et al. nowhere discloses: “an Inter-Integrated (I<sup>2</sup>C) based bus,” as recited in the claimed invention or such a bus as: “providing communication between said BMC and said digital voltage adjuster.” Therefore, it is respectfully submitted that Devlin et al. does not disclose, anticipate or inherently teach the claimed invention and that claims 1, 14, 19 and 23, patentably distinguish thereover.

#### *New Claims*

9. New claims 28-30 were added to further clarify the invention. In particular, new claims 28-30 address the limitation of the BMC implementing “the Intelligent Platform Management Interface (IPMI) Protocol.” Support for the new claims is provided by the original claims, specification and figures. Thus, it is respectfully submitted that the new claims raise no questions of new matter.

10. The outstanding Office Action cites *Ex Parte Simpson*, 218 USPQ 1020 (Bd. App. 1982) to suggest that using a standard in a claim indicates the claim does not comply with 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph.

11. However, it is respectfully submitted that the Manual of Patent Examining and Procedure (MPEP) at Section 7.35.01, which is entitled: “Trademark or Trade Name as a Limitation in the Claim” states:

[W]here a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

12. Further, it is respectfully submitted that MPEP Section 608.01(v), entitled: "Trademarks and Names Used in Trade," states:

[T]he expressions "trademarks" and "names used in trade" as used below have the following meanings:

*Trademark:* a word, letter, symbol, or device adopted by one manufacturer or merchant and used to identify and distinguish his or her product from those of others. It is a proprietary word, letter, symbol, or device pointing distinctly to the product of one producer.

*Names Used in Trade:* a nonproprietary name by which an article or product is known and called among traders or workers in the art, although it may not be so known by the public, generally. Names used in trade do not point to the product of one producer, but they identify a single article or product irrespective of producer.

*Names used in trade are permissible in patent applications if:*

(A) Their meanings are established by an accompanying definition which is sufficiently precise and definite to be made a part of a claim, or

(B) *In this country, their meanings are well-known and satisfactorily defined in the literature* (emphasis added).

13. It is respectfully submitted that IPMI protocol is *not* a trademark, trade name or a name used in trade but instead defines a published standard interface protocol. However, even if one wants to consider "IPMI" as "trade name" or "name used in trade," it is respectfully submitted that, as stated in MPEP 608.01: "[N]ames used in trade are permissible in patent applications if: (B) their meanings are well-known and satisfactorily defined in the literature." It is respectfully submitted that an "open standard" such as IPMI is obviously satisfactorily defined in the literature. In addition, it is respectfully submitted that claims of issued patents typically use such well known published standards (e.g., IEEE 488, RS-232C, Bluetooth, etc.).

14. Therefore, it is respectfully submitted that the use of the IPMI protocol in the claims does comply with 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph, and that claims 26 and 28-30 are proper.

*Dependent Claims*

15. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicants respectfully request that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

*Conclusions*

16. In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

/Michael G. Verga/

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